

SEVENTY-SECOND DAY

(Wednesday, May 19, 1971)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Patman submitted the following reports for the Committee on Agriculture and Livestock:

H. B. No. 1068.

H. B. No. 1380.

H. B. No. 525.

Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 132.

S. B. No. 952.

H. B. No. 930. (Amended).

H. B. No. 931.

H. B. No. 995.

H. B. No. 1207.

H. B. No. 1250.

H. B. No. 1251.

Senate Bill 1019 on First Reading

Senator Aikin moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Hightower:

S. B. No. 1019, A bill to be entitled "An Act relating to the organization and composition of the Texas Legislative Council; amending Sections 1 and 2, Chapter 324, Acts of the 51st Legislature, Regular Session, 1949 (Article 5429b, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Rules.

Senate Concurrent Resolution 102

Senator Aikin offered the following resolution:

S. C. R. No. 102—Providing that the State of Texas shall carry its own insurance on University of Texas buildings and contents.

AIKIN
MAUZY
BLANCHARD

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the resolution was considered immediately and was adopted.

House Concurrent Resolution 125 on Second Reading

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 125—Creating a special interim committee to make a thorough study of severed mineral estates in Texas.

The resolution was read.

On motion of Senator Bates and by unanimous consent, the resolution was considered immediately and was adopted.

Bill Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bill:

H. B. No. 130.

House Concurrent Resolution 47 on Second Reading

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 47, Encouraging the State Highway Department to preserve the utility of natural collection points for surface water along a highway right-of-way.

The resolution was read.

On motion of Senator Sherman and by unanimous consent, the resolution was considered immediately and was adopted.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 1203, To Committee on Jurisprudence.

H. B. No. 1235, To Committee on County, District and Urban Affairs.

H. J. R. No. 35, To Committee on Constitutional Amendments.

H. J. R. No. 50, To Committee on Constitutional Amendments.

H. J. R. No. 61, To Committee on Constitutional Amendments.

H. J. R. No. 82, To Committee on Constitutional Amendments.

H. C. R. No. 83, To Committee on Administration.

H. C. R. No. 129, To Committee on Administration.

H. C. R. No. 131, To Committee on Administration.

House Bill 314 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 314, A bill to be entitled "An Act relating to withdrawal of consent by the chief administrative officer of a state supported institution of higher education, or his designee, for a person to remain on campus; providing for a written report of such withdrawal in certain instances; providing for reinstatement of consent; providing a hearing; unlawful entry on the campus of a state-supported institution of higher education; providing a penalty; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following Committee Amendment to the bill:

Amend House Bill 314 by adding a new section to be known as Section 6 and by renumbering all subsequent sections accordingly.

"Section 6. REQUIRED PROCEDURES FOR SUSPENSION, EXPULSION OR DISMISSAL. No student enrolled in any state-supported institution of higher education shall be subject to suspension, expulsion or dismissal except as provided herein:

(a) Any student shall receive written notice that he is charged with misconduct; including a statement of the specific charges alleged in justification of anticipated action against him, an explanation of the nature of the anticipated action, and a statement naming the date and place at which said student may appear and answer the charges before the disciplinary committee. The notice may be served, except when registered mail is used, by any person designated by the president of the institution. The date for the hearing shall

be not less than ten (10) nor more than twenty (20) days after such service.

(b) Any student shall receive a hearing before a regularly constituted disciplinary committee composed of faculty, student, and administration representatives. No member of the committee who is otherwise interested in the particular case shall sit in judgment during the proceeding. All parties may be represented by counsel, shall have the right to call and examine witnesses, and shall have the right to cross-examine adverse witnesses. All matters upon which the decision may be based shall be introduced into evidence at the proceeding before the disciplinary committee in the presence of the student charged with misconduct. The decision shall be based solely upon such evidence. In no case shall the committee consider statements made against the student unless he has been advised of their content and of the names of those who made them, and has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn. The findings of the disciplinary committee shall be final, subject only to the student's right of appeal to the president or ultimately to the governing board of the institution."

The Committee Amendment was read and was adopted.

Senator Moore offered the following Committee Amendment to the bill:

Amend the quoted Subsection (a) of Section 3 of House Bill 314 to read as follows:

"(a) Every student or employee who has been suspended or dismissed from a state-supported institution of higher education for disrupting the orderly operation of the campus or facility of such institution, as a condition of such suspension or dismissal, may be denied access to the campus or facility, or both, of the institution for the period of suspension, and in the case of dismissal, for a period not to exceed one year. A person who has been notified by personal service of such suspension or dismissal and who willfully and knowingly enters upon the campus or facility of the institution to which he has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and is sub-

ject to punishment as set out in section 5 of this Act."

The Committee Amendment was read and was adopted.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 314 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 314 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 1041 on Second Reading

On motion of Senator Christie and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1041, A bill to be entitled "An Act relating to mental health services; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1041 on Third Reading

Senator Christie moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1041 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

House Bill 52 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 52, A bill to be entitled "An Act increasing the penalty for

dumping, depositing, or leaving refuse, garbage, rubbish, or junk on or near a public highway; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 52 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 52 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 749 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 749, A bill to be entitled "An Act amending Statutes regulating the profession of funeral directing and embalming and the conduct of funeral establishments; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend House Bill No. 749 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. Chapter 494, Acts of the 58th Legislature, Regular Session, 1963, is amended to read as follows:

"Section 1. DEFINITIONS.

"A. A 'funeral director' as that term is used herein, is a person engaged in or conducting, or holding himself out as being engaged in:

"1. Preparing, other than by embalming, for the burial or disposition of dead human bodies; and

"2. Maintaining or operating a funeral establishment for the preparation and disposition, or for the care of dead human bodies.

"B. The term 'directing a funeral,' or 'funeral directing' as herein used, shall mean the directing or personal supervision by a licensed funeral director from the time of the first call until interment or entombment services are completed, or until the body is delivered into the hands of the persons in charge of a crematorium, or until the body is delivered to another funeral director or to a public carrier.

"C. The term 'first call' shall mean the beginning of the relationship and duty of the funeral director to take charge of a dead human body and have same prepared by embalming, cremation, or otherwise, for burial or disposition, provided all laws pertaining to public health in this state are complied with. 'First call' does not include calls made by ambulance, when the person dispatching the ambulance does not know whether a dead human body is to be picked up. A dead human body shall be picked up on first call only under the direction and personal supervision of a licensed funeral director or embalmer. A dead human body may be transferred from one funeral home to another funeral home and to and from a morgue where an autopsy is to be performed without a licensed funeral director personally making the transfer.

"D. The term 'embalmer' as herein used is a person who disinfects or preserves a dead human body, entire or in part by the use of chemical substances, fluids, or gases in the body, or by the introduction of the same into the body by vascular or hypodermic injection, or by direct appli-

cation into the organs or cavities, or by any other method intended to disinfect or preserve a dead human body, or restores body tissues and structures. The placing by any such chemicals or substances on or in a dead human body by any person who is not a licensed embalmer shall be deemed a violation of this Act, provided that this shall not apply to a registered apprentice working under the supervision of a licensed embalmer. All persons who are engaged in the business of embalming or who profess to be engaged in such business, or hold themselves out to the public as embalmers, shall be licensed embalmers.

"E. The term 'apprentice' as herein used is a person engaged in learning the practice of funeral directing and/or embalming under the instruction, direction, and personal supervision of a duly licensed funeral director and/or embalmer of and in the State of Texas in accordance with the provisions of this Act, and having been duly licensed as such by the Board prior thereto.

"F. The term 'apprenticeship' as used herein shall be construed as diligent attention to assigned duties and other subject matter in the course of regular employment in a licensed funeral establishment in this state. This regular employment must involve at least forty (40) working hours per week which may be cumulated in any manner under actual working conditions and under the personal supervision of a licensee, in order for an apprentice to qualify as a licensed funeral director and/or embalmer.

"G. The term 'funeral establishment' as herein used is a place of business used in the care and preparation for burial or transportation of dead human bodies, or any place where one or more persons, either as sole owner, in co-partnership, or through corporate status, represent themselves to be engaged in the business of embalming and/or funeral directing, or as so engaged. Such funeral directing and embalming shall be performed only under the supervision and direction of a licensed funeral director and/or embalmer.

"H. The term 'due notice' as herein used shall mean published notice of the time and place of regular meet-

ings of the Board. Notice of time, place, and purpose of any meeting of the Board published in at least three (3) daily newspapers in three (3) separate cities in the state, at least fifteen (15) days prior thereto, shall be adequate notice for any regular meeting, including the giving of examination; however, a notice of a meeting wherein a change in the rules and regulations of the Board are to be considered, shall be given by written notice to all licensees in the State of Texas, at the address registered with the Board, at least thirty (30) days in advance of any hearing thereon.

"I. The term 'mortuary science' as herein used, shall mean the scientific, professional and practical aspects, with due consideration given to accepted practices, covering the care, preparation for burial or transportation of dead human bodies, which shall include the preservation and sanitation thereof and restorative art, and as such is related to public health, jurisprudence, and good business administration.

"J. An 'accredited school or college of mortuary science' is a school or college which maintains a course of instruction of not less than forty-eight (48) calendar weeks or four (4) academic quarters or college terms and which gives a course of instruction in the fundamental subjects as set forth herein: (a) mortuary management and administration; (b) legal medicine and toxicology as it pertains to funeral directing; (c) public health, hygiene and sanitary science; (d) mortuary science, to include embalming technique, in all its aspects; chemistry or embalming, color harmony; discoloration, its causes, effects and treatment; treatment of special cases; restorative art, funeral management; and professional ethics; (e) anatomy and physiology; (f) chemistry, organic and inorganic; (g) pathology; (h) bacteriology; (i) sanitation and hygiene; (j) public health regulations; and (k) other courses of instruction in fundamental subjects prescribed by the Board.

"K. An 'official application blank,' as that term is used herein, is a sheet bearing blank spaces for the entering of stipulated information, which sheet shall be filled in by any person who seeks employment as funeral director or embalmer in this state. The form

of this application blank shall be prescribed by the Board. Prospective employers shall have job applicants fill in this application blank and shall remit it upon completion to the Board. The Board shall inform employers as soon as possible of the status of the license of any person for whom it receives an official application blank.

"L. A 'commercial embalmer' is one who embalms for licensed funeral establishments and does not sell any services or merchandise directly or at retail to the public, and shall otherwise meet the requirements of a licensed embalmer as provided in Section 3 of this Act.

Section 2. THE BOARD.

"A. There is hereby created the State Board of Morticians, with offices located in Austin, Texas, consisting of six (6) members who shall be citizens of the United States and residents of the State of Texas, and shall be licensed embalmers and funeral directors in the State of Texas. Each shall have a minimum of ten (10) years, consecutively, of such experience in this state immediately preceding appointment. The members of said Board shall be appointed by the Governor, by and with the consent of the Senate for a period of six (6) years. Each member shall be subject to removal by the Governor for neglect of duty, incompetence, or fraudulent or dishonest conduct. The Governor shall remove from the Board any member whose license to practice funeral directing and/or embalming has been voided, revoked or suspended. The Governor, in appointing members to the Board, shall designate their terms so that two (2) places on the Board shall become vacant each two (2) years. Any vacancy in an unexpired term shall be filled by appointment of the Governor for the unexpired term. No member of the Board shall be appointed for more than two (2) terms of service. No member shall be appointed to the Board who is an officer or employee of a corporation or other business entity controlling or operating, directly or indirectly, more than three funeral establishments, if another member of the Board is also an officer or employee of the same corporation or other business entity.

"B. The members of said Board, before entering upon their duties, shall take and subscribe to the oath of office prescribed for other state offi-

cials which oath shall be filed in the office of the Secretary of State, after having been administered under proper authority. Each person appointed to the Board shall be furnished with a certificate of appointment by the Governor which shall bear evidence of the taking of oath of office.

"C. The Board shall meet in Austin, Texas, in regular session at least two (2) times each year for the transaction of business. Examination for funeral directors and embalmers shall be held at least once during each year at such times and places as the Board may designate and give due notice thereof. Special meetings or hearings may be held at such time and place as may be determined by and upon call of the President, Vice-President or three (3) members of the Board.

"D. The Board shall elect a President, Vice-President, and Secretary from the members of the said Board who shall serve two (2) years, or until their successors shall be elected and qualified. In the absence of an Executive Secretary, the Secretary shall be bonded to the State of Texas in a sum equal to the maximum annual anticipated receipts of the Board and any premium payable for such bond shall be paid from the funds of the Board; likewise, the Board will require a bond of the Executive Secretary, if any, and such bond shall be deposited with the State Auditor of the State of Texas. The Secretary shall deliver all money on hand at the end of his term of office to his successor, and the Executive Secretary shall deliver all money on hand to the Secretary upon relief from duty. The President of the Board shall preside at all meetings of the Board unless otherwise ordered, and he shall exercise all duties and performances incident to the office of the President of the Board, and in his absence the Vice-President shall preside. A majority of the membership of the Board shall constitute a quorum for the transaction of business.

"E. The Board shall make an annual report covering the work of the Board for the preceding fiscal year, and such report shall include:

"1. An itemized account of money received and expended and the purpose therefor which has been duly certified by the State Auditor or a Certified Public Accountant;

"2. The names of all duly licensed funeral directors, embalmers, and funeral establishments. A copy of this report shall be furnished each licensed funeral director and embalmer in this state. A copy shall likewise be filed with the Secretary of State for permanent record, a certified copy of which, under the hand and seal of the Secretary of State, shall be admissible as evidence in all courts.

"F. The Board shall preserve a record of its proceedings in a book kept for that purpose.

"G. The Board shall keep a permanent, alphabetical record of all applications for licenses and the action thereon. Such records shall also show, at all times, the current status of all such applications and licenses issued.

"H. The Board may employ such inspectors, and clerical and technical assistants, legal counsel, including an Executive Secretary, as may be determined by it to be necessary to carry out the provisions of this Act, and the terms, conditions and expenses of such employment shall be determined by the Board.

"I. Membership of the Board shall be reimbursed for necessary traveling expenses incident to attendance upon the business of the Board, and in addition thereto, each shall receive a per diem allowance of Twenty-five Dollars (\$25) for each day actually spent by such member upon attendance to the business of the Board, not to exceed fifty (50) days within a calendar year. The Secretary, in the absence of an Executive Secretary, notwithstanding membership on the Board, shall receive and be paid a salary for the time he devotes to the business of the Board, and the amount and method of payment shall be fixed by the Board and in addition thereto, he shall receive necessary traveling expenses incurred in the performance of such duty; provided, however, he shall not be paid a per diem allowance during the time he is compensated on a salary basis; and provided that all such expenses, per diem allowance and compensation shall be paid out of the receipts of the Board. All fees received under the provisions of this law in excess of the necessary and proper expenses of the Board shall be held by the Secretary of the Board as a special fund with which to pay the expense of the Board in administering and enforcing this Act. No claim for

traveling expenses or per diem allowance shall be allowed or paid unless the claim be in writing and signed by the claimant under oath.

"J. Except as otherwise provided by law, all records of the Board shall be open to inspection by the public during regular office hours.

"K. All meetings of the Board shall be open and public.

"L. The Board shall prescribe the form of the official application blank. It shall notify the proprietor of each licensed funeral establishment in this state that any person who seeks employment as a funeral director or embalmer must fill in this application blank, and that the person receiving the application must mail a copy of the official form to the Board. The Board shall inform the prospective employer of the status of the applicant's license to engage in the activity he proposes.

"M. The Board may adopt such administrative procedures as may be desirable to effect the intent of the provisions of this Section.

"Section 3. LICENSES—FUNERAL DIRECTORS AND EMBALMERS.

"A. The Board is hereby authorized and empowered and it shall be its duty to prescribe and maintain a standard of proficiency, character and qualifications of those engaged or who may engage in the practice of a funeral director or embalmer and to determine the qualifications necessary to enable any person to lawfully practice as a funeral director, to embalm dead human bodies, and to collect the fees therefor. The Board shall examine all applicants for funeral directors and embalmers' licenses and for apprenticeship licenses and shall issue the proper license to all persons qualified and who meet requirements herein prescribed.

"B. The minimum requirements for the issuance of licenses by this Board to practice funeral directing and/or embalming in Texas are as follows, to wit:

"1. For a license to practice funeral directing: the applicant shall be found by the Board to be not less than twenty-one (21) years of age, a resident of the State of Texas, and a citizen of the United States, of good moral character, having graduated

from an accredited high school or passed examination prescribed by the Texas Education Agency from an accredited school or college of mortuary science approved by this Board, having served as an apprentice for at least one (1) year under the personal supervision and instruction of a licensed funeral director and having satisfied the Board through oral and written examination as to his proficiency by examination on the subjects of: (a) the art and technique of funeral directing; (b) signs of death; (c) the manner by which death may be determined; (d) sanitation; (e) hygiene; (f) mortuary management and mortuary law; (g) business and professional ethics; (h) laws applicable to vital statistics pertaining to dead human bodies; (i) rules and laws governing preparation, transportation and disposition of dead human bodies; and such other subjects as may be taught in a recognized school or college of mortuary science.

"2. For a license to practice embalming: the applicant shall have been found by the Board to be not less than twenty-one (21) years of age, a resident of the State of Texas, and a citizen of the United States, of a good moral character having graduated from an accredited high school or passed examination prescribed by the Texas Education Agency, having graduated from an accredited school or college of mortuary science approved by this Board, having served as an apprentice for two (2) years under the personal supervision of a licensed embalmer, and having satisfied the Board as to his proficiency through oral and written examination on the subjects of: (a) anatomy of the human body; (b) the cavities of the human body; (c) the arterial and venous system of the human body; (d) blood and discoloration; (e) bacteriology and hygiene; (f) pathology; (g) chemistry and embalming; (h) arterial and cavity embalming; (i) restorative art; (j) disinfecting; (k) embalming special cases; (l) contagious and infectious diseases; (m) mortuary management; (n) care, preservation, transportation and disposition of dead human bodies; (o) laws applicable to vital statistics pertaining to dead human bodies; (p) sanitary science; and such other subjects as may be taught in a recognized school or college of mortuary science, and shall

at the request of the Board, demonstrate his proficiency as an embalmer.

"C. The Board is hereby authorized and empowered and it shall be its duty to approve a course of instruction to be given by any college of mortuary science or recognized school of higher learning that desires to be approved by the Board. And it shall be the duty of the Board to examine and supervise the activities of an accredited school or college of mortuary science so as to insure that said college or school is meeting the requirements of the Board.

"D. It shall be the duty of the Board to prescribe and supervise the course of instruction received by an apprentice while serving his or her apprenticeship, consistent with the following requirements to establish such an apprenticeship registration procedure:

"1. Apprenticeship for embalmer: A license to practice the science of embalming shall not be issued unless and until the applicant therefor has served an apprenticeship period of not less than twenty-four (24) months under the personal supervision and instruction of a licensed embalmer and has successfully completed all requirements of apprenticeship. The only exception to this requirement shall be in the case of an applicant under reciprocity.

"(a) Any person, eighteen (18) years of age or more, who desires to practice the science of embalming in this state, files application therefor, meets the requirements of the law and this Board, and, in the discretion of the Board, is of good moral character and possesses such qualification to enter into apprenticeship training, may be registered as an apprentice. Apprenticeship for a license to practice the science of embalming may be served in two ways: (1) The applicant may apply for and serve twelve (12) months' apprenticeship before entry into a school of embalming or college of mortuary science, and the remaining twelve (12) months after graduation from such school or college and after successfully taking the Board's examination for embalming as prescribed herein; or (2) the applicant may serve the full twenty-four (24) months period after completing and graduating from a school or college of mortuary science and after

successfully taking the Board's examination for embalming as prescribed herein. No part of the apprenticeship time may be served during the year in which the applicant is attending a school or college of mortuary science as defined herein. Applicant shall pay a fee not to exceed Ten Dollars (\$10) at the time he requests such apprenticeship registration.

"(1) A person qualifying in this manner shall serve at least one (1) year of apprenticeship immediately following the successful passing of the written examination accorded him by the Board.

"(2) An applicant for a license to practice the science of embalming who attains a grade of 70% or higher on the written examination given by the Board upon payment of a fee not to exceed Ten Dollars (\$10) therefor, shall be registered as an apprentice within six (6) months of such examination.

"(b) Each registered apprentice embalmer shall be issued a certificate of apprenticeship or other means of apprenticeship identification by the Board to be served in the State of Texas. During the period of apprenticeship he shall assist in embalming a minimum of one hundred (100) dead human bodies, ten (10) of which bodies the apprentice shall embalm after the first year of apprenticeship without aid but in the immediate presence and under the personal supervision of an embalmer duly and currently licensed in the State of Texas. No more than two (2) apprentices may receive credit due for work on any one body.

"(c) An apprentice embalmer must report within ten (10) days thereof of each separate case handled by him or with which he has assisted in handling. Each such report shall be certified by the licensee under whom the apprentice performed his work. Throughout the period of apprenticeship, the apprentice shall report on at least one (1) such case of embalming each calendar month, within the month. In any month in which he did not embalm at least one (1) case under the direction of a licensed embalmer, a report shall be made to the Board notwithstanding.

"2. Apprentice for Funeral Director: The term of apprenticeship for a funeral director's license shall be a period of not less than twelve (12) months, and may be served concur-

rently with apprenticeship for an embalmer's license; however, apprenticeship must be served in twelve (12) consecutive months. A person desiring to become an apprentice funeral director shall make application to the Board on a form provided by the Board, and if the Board desires, he shall appear before at least one (1) member of the Board, or a designated representative thereof, for approval of his application, subject to review of it by the entire Board. Applicant must be not less than nineteen (19) years of age, a person of good moral character and have completed the education requirements prescribed for a funeral director except an applicant for a funeral director's license may elect to serve apprenticeship therefor in like manner to that of one who has applied for a license to practice the science of embalming by serving one (1) year of apprenticeship prior to completing a course of study in funeral directing prescribed by the Board and graduating from a school of embalming or college of mortuary science. The application for registration shall be sworn to and accompanied by a fee of not to exceed Ten Dollars (\$10). If the application is accepted, applicant will be issued a certificate of apprenticeship registration upon determination by the Board that his qualifications are satisfactory.

"(a) An applicant for a funeral director's license and the examination therefor who has not completed one (1) year of apprenticeship prior to graduation from a school of embalming or college of mortuary science shall be admitted to apprenticeship only in the event he shall have attained a grade of 70% or higher on the written, oral and practical examinations given by the Board, and the payment of a fee of not to exceed Ten Dollars (\$10) therefor, whereupon he shall be registered as an apprentice. Provided, however, applicant must register as an apprentice within six (6) months of such examination.

"(b) An apprentice funeral director must report within ten (10) days thereof of each separate case with which he has assisted in handling. Each such report shall be certified to by the licensee under whom the apprentice performed the work. Throughout the period of apprenticeship the apprentice shall report on at least one (1) such case each calendar month, within the month. In any

month within which he did not assist a funeral director in handling a funeral, a report shall be made to the Board notwithstanding.

"(c) During the course of apprenticeship each apprentice shall assist a licensed funeral director in this state to prepare, other than by embalming, and to make final disposition of not less than one hundred (100) dead human bodies, ten (10) of which bodies the apprentice shall handle, after graduation from an approved school of embalming or college of mortuary science, where one (1) year of apprenticeship was served prior to entrance into an institution for preparation by him to become a funeral director. The Board may require other evidence of his ability, in its discretion. No more than two (2) apprentices may receive credit for work done on any one body.

"3. Annual renewal apprenticeship certificate: Each certificate of apprenticeship issued by the Board to an apprentice embalmer or apprentice funeral director must be renewed on the first day of January of each year, and will be renewed upon payment by the apprentice of a renewal fee not to exceed Ten Dollars (\$10), provided the apprentice has conducted himself with propriety and observed the rules and regulations of the Board with respect to his apprenticeship. Notice shall be mailed, during the month of December each year, to each registered apprentice at his last known address, notifying him that the renewal fee is due. If the renewal fee is not paid on or before the 31st day of January in the year in which it became due, a penalty in the sum of not to exceed Ten Dollars (\$10) will be added to the renewal fee of each certificate when paid. Fifteen (15) days after the grace period as above provided if said annual renewal fee and penalty still remain unpaid, it shall be the duty of the Board, acting through its Secretary, to suspend his certificate for nonpayment of the annual renewal fee and to notify such apprentice of such suspension by registered mail, addressed to his last known address. If the said renewal fee and penalty is not then paid within thirty (30) days from date of such notice of suspension, the Board shall then cancel such certificate. Provided, however, after an apprentice certificate has been cancelled, the apprentice may apply for reinstatement within eighteen (18) months from the date such apprentice

certificate was cancelled and the Board may, in its discretion, reinstate said apprentice provided he meets all other requirements of the Board. It is provided that the registration fee of any apprentice who is actively engaged in the military service of the United States may, in the discretion of the Board, be remitted for the duration of such service or for such fees and such time as the Board may deem advisable upon presentation of proper evidence required by the Board.

"4. Notification of the Board upon entry into apprenticeship: When an apprentice enters the employ of a licensed embalmer or funeral director, he shall immediately notify the Board the name and place of business of the licensed embalmer or funeral director whose service he has entered and the name of the funeral director or embalmer under whom he will train, and such notification shall be signed by the embalmer or funeral director in each case. If at any time thereafter such apprentice leaves the employ of the licensed embalmer or funeral director whose services he has entered, the said licensed embalmer or funeral director shall give to such apprentice an affidavit showing the length of time he has served as an apprentice with him and the number of cases handled while so employed; the original of said affidavit shall be filed with the Board and made a matter of record, and a copy shall be furnished to the apprentice. The Board shall furnish report forms to be used by each apprentice.

"(a) Any apprentice registration shall be cancelled, and the applicant required to re-register, including paying the required fees, for failure to pass the Board's examination of such apprentice after only part of the apprenticeship has been completed. Provided, however, such applicant shall be given credit for apprenticeship time served under the cancelled license in any new registration.

"5. Certificate of Apprenticeship may be suspended or revoked as provided and set forth in Section 3, subsection H.

"E. Any person engaged or desiring to engage in the practice of embalming or funeral directing in this state, in connection with the care and disposition of dead human bodies, shall make written application to the Board for a license accompanying same with a fee not to exceed Fifty Dollars (\$50). The license or licenses

when issued shall be signed by a majority of the Board and shall authorize the licensee to practice the science of embalming and/or funeral directing. All licenses shall be registered in the office of the County Clerk in any county in which the holder thereof resides and practices embalming and/or funeral directing and shall be displayed conspicuously in the place of business. Every licensed embalmer and/or funeral director who desires to continue his practice shall annually pay to the Secretary of the said Board a fee not to exceed Ten Dollars (\$10) for the renewal of each funeral director's license and each embalmer's license. Said license shall become due and payable annually on the 31st day of May, and the Board will give written notice on or before April 1st, of each year that the license fees are due and payable. When a licensee under this Act shall fail to pay his annual registration fee, it shall be the duty of the Board to notify such licensee at his last known address that his annual registration fee is due and unpaid and that a penalty equal to the amount of the registration fee has been added. If such fee and penalty are not paid within fifteen (15) days after notification by regular mail, it shall be the duty of the Board to suspend the license and notify the licensee by certified mail, return receipt requested, of such suspension. Thirty (30) days after the Board shall have declared a license suspended, as provided herein, the license shall be automatically cancelled and the Board may thereafter in its discretion refuse to reinstate the licensee until the applicant has passed a regular examination for license as provided in this Act. If any license issued under this Act shall be lost or destroyed, the holder of any such license may present his application for duplicate license to the State Board of Morticians, on a form to be prescribed by the Board, together with his affidavit of such loss or destruction, and that he is the same person to whom such license was issued, and such other information concerning its loss or destruction as the State Board of Morticians shall require, and shall, upon payment of a fee not to exceed Ten Dollars (\$10), as determined by the Board, be granted a duplicate license; provided further, that the same fee as set forth above for duplicate licenses shall also apply to endorsements by the Board.

"1. Any license that has been cancelled, suspended or lapsed for a period of five (5) years or more may be reinstated only after the applicant shall have passed an oral and practical examination by the Board on embalming, and/or an oral examination on funeral directing.

"F. (1) The Board is authorized to make certain reciprocal arrangements. The State Board of Morticians, may in its discretion, upon payment by an applicant of a fee of One Hundred Dollars (\$100) grant a license to practice as a funeral director and/or embalmer to persons who furnish proof that they have been registered for at least three (3) years as such, in some other state or territory of the United States; provided that the licensing board of such other state or territory in its examination requires the same general degree of fitness required by this state. Said application shall be accompanied by an affidavit made by the President or Secretary of the Board of Mortician Examiners which issued the license, or by a duly constituted registration officer of the state or territory by which the certificate or license was granted, and on which the application for registration in Texas is based, reciting that the accompanying certificate or license has not been cancelled, suspended or revoked, and that the statement of the qualifications made in the application for a license in Texas is true and correct. Applicants for a license under the provisions of this Act shall subscribe to an oath in writing before an officer authorized by law to administer oaths, which shall be a part of such application, stating that the license, certificate, or authority under which the applicant practiced as a funeral director or embalmer in the state or territory from which the applicant removed, was at the time of such removal in full force and effect and not cancelled or suspended or revoked. Said application shall also state that the applicant is the identical person to whom the said certificate, license, or commission was issued, and that no proceeding has been instituted against the applicant for the cancellation, suspension or revocation of such certificate or license in the state or territory in which the same was issued; and that no prosecution is pending against the applicant in any state or federal court for any offense which, under the laws of the State of Texas, is a

felony, or a misdemeanor involving moral turpitude.

"(2) Licenses granted under this subsection shall be on the following basis: Before a license is granted, the applicant shall receive a temporary permit good for one (1) year from date of issuance by the Board. At the end of one (1) year, the holder of said temporary permit shall again be considered by the Board, and if his application for license has been maintained and he meets all other requirements, the Board, in its discretion, may grant said applicant a license.

"G. Licenses currently outstanding shall be recognized under this Act. Any person, personally holding a current funeral director's and/or embalmer's license granted by the proper authorities in this state, shall not be required to make application for or submit to an examination, but shall be entitled to a renewal of his license, upon expiration of such current license, under the terms and conditions as herein provided for the renewal of licenses of those who may be licensed after the passage of this Act. All such persons shall be subject to every other provision of this Act.

"H. The State Board of Morticians is hereby authorized and empowered and it shall be its duty to conduct hearings to revoke, suspend, or place on probation any licensed funeral director and/or embalmer, or apprentice and may refuse to admit persons to examination for any of the following reasons:

"1. The presentation to the Board of any license, certificate, or diploma which was illegally or fraudulently obtained, or when fraud or deception has been practiced in passing the examination;

"2. Conviction of a crime of the grade of a felony or of a misdemeanor involving moral turpitude;

"3. Unfit to practice as a funeral director and/or embalmer by reason of insanity or has been adjudged by a court of competent jurisdiction to be of unsound mind;

"4. The use of any advertising statement of a character which misleads or deceives the public, or use, in connection with advertisements, the names of persons who do not hold a license as a funeral director or embalmer and represent them to be so licensed;

"5. The purchase, sale, barter, or use, or any offer to purchase, sell, barter, or use any license, certificate, or transcript of license or certificate, in or incident to an application to the Board of Morticians for license to practice as a funeral director and/or embalmer;

"6. Altering, with fraudulent intent, any funeral director and/or embalmer license, certificate, or transcript of license or certificate.

"7. The use of any funeral director and/or embalmer license, certificate, diploma, or transcript of any such funeral director and/or embalmer license, certificate, or diploma, which has been fraudulently purchased, issued, counterfeited, or materially altered;

"8. The impersonation of, or acting as proxy for, another in any examination required by this Act for a funeral director and/or embalmer license;

"9. The impersonation of a licensed funeral director or embalmer as authorized hereunder, or permitting, or allowing another to use his license, or certificate to practice as a funeral director or embalmer or mortician in this state, for the purpose of embalming or practicing the science of embalming, in connection with the care and disposition of the dead, or acting as a funeral director or practicing as a funeral director in this state, in connection with the care and disposition of the dead;

"10. Using profane, indecent or obscene language within the immediate hearing of the family or relatives of a decedent, in proximity to a deceased person whose body has not yet been interred or otherwise disposed of; or the indecent exposure of a dead human body;

"11. Refusing to promptly surrender a dead human body, upon the express order of a person in possession of lawful authority therefor, to a licensed funeral director or embalmer or an agent or employee of the same;

"12. Wilfully making any false statement on a certificate of death;

"13. Employment directly or indirectly of any apprentice, agent, assistant, embalmer, funeral director, employee, or other person on a part or full-time basis, or on commission, for the purpose of calling upon individuals or institutions by whose in-

fluence dead human bodies may be turned over to a particular funeral director or embalmer;

"14. Presentation of false certification of work done as an apprentice on apprenticeship records;

"15. Unfitness by reason of drug addiction; and

"16. Whenever a licensee, apprentice, or any other person, whether employee, agent or representative, or one in any manner associated with a funeral establishment shall solicit business or offer any inducement, pecuniary or otherwise, for the purpose of securing or attempting to secure business for such funeral establishment, unless such solicitation is made pursuant to a permit issued under the provisions of Article 548b, Texas Vernon's Civil Statutes, or Senate Bill No. 129, Acts of the 58th Legislature, Regular Session, 1963.

"17. Failure by the Funeral Director in Charge to provide licensed personnel for attendance, direction, or personal supervision for a 'first call,' as that term is defined in this Act.

"18. Conduct by a licensee which, in the discretion of the Board, after applying contemporary community standards, is found to be offensive to the common conscience and moral standards of the community where such conduct occurs.

"19. Performing acts of funeral directing or embalming, as those terms are defined in this Act, which are outside the licensed scope and authority of the licensee.

"20. Conviction by the Board, after a hearing as provided in this Act, of fraud or other similar deception against the public.

"I. The Board may issue such rules and regulations as may be necessary or desirable to effect the intent of the provisions of this Section.

"Section 4. FUNERAL ESTABLISHMENTS.

"A. All funeral establishments shall be licensed by the Board. All licenses shall expire at midnight on September 30th of each year. The license fee shall not exceed Fifty Dollars (\$50) for issuance of licenses to existing establishments and for renewal licenses. Funeral establishments created after the effective date of this Act shall apply for a license, and upon satisfaction to the Board that this Section has been complied with and

upon receipt of the licensing fee, which shall not exceed Two Hundred Fifty Dollars (\$250), an initial license shall be duly issued to such new establishments. Not later than thirty (30) days prior to the expiration date of licenses, the Board shall cause to be issued notification in writing by mail to each licensed funeral establishment that a renewal fee not to exceed Fifty Dollars (\$50) must be paid by October 1st before such license shall be renewed, and upon due receipt of such fees all existing licenses shall be considered automatically renewed. Any establishment which fails to pay its license renewal fee as herein provided within thirty (30) days after September 30th may be required by the Board to pay a penalty of Fifty Dollars (\$50) in addition to the regular fee, and if the delinquency is more than thirty (30) days, the establishment shall not be permitted to operate as a funeral home until it has applied for and has been granted a new license as in the case of original applications and licenses for new funeral establishments.

"B. No funeral establishment shall conduct funeral business as intended under this Act unless duly licensed.

"C. Each funeral establishment shall be required to have a physical plant, equipment and personnel consisting of the following:

"1. Adequate facilities in which funeral services may be conducted;

"2. A preparation room being used by such establishment that meets the sanitary code of the State of Texas and the municipality in which same is located;

"3. A physical plant which meets building standards and fire safety standards of the state and of the municipality in which the establishment is located;

"4. Access to rolling stock consisting of at least one motor hearse;

"5. A preparation room that is secluded from the public, properly ventilated, and containing an operating table, sewer facilities, hot and cold running water, and sufficient instruments and chemicals to embalm a dead human body;

"6. A display room containing sufficient merchandise to permit reasonable selection, including five (5) or more adult caskets;

"7. Sufficient licensed personnel who will be available to conduct the operation of the funeral establishment;

"8. A physical plant located at a fixed place, and not located on any tax-exempt property or cemetery; and

"9. A physical plant which meets the health standards or health ordinances of the State and of the municipality in which the establishment is located. It is expressly provided, however, that an establishment which functions solely as a commercial embalmer, as that term is defined in this Act, shall have a funeral establishment license, but shall not be required to meet the requirements of sub-sections 1 and 6 of this paragraph C.

"D. 1. The Board may initiate formal complaint or other action, against a funeral establishment or in regard to the license of a funeral establishment only upon the following grounds:

"(a) Failure of a funeral establishment to substantially comply with the provisions of sub-section B or C of this Section.

"(b) Conducting or operating a funeral establishment in a manner which, in the discretion of the Board, after applying contemporary community standards, is found to be offensive to the common conscience and moral standards of the community where the funeral establishment is licensed or where such offensive conduct occurred.

"(c) The use of any advertising statement of a character which misleads or deceives the public, or use, in connection with advertisements, the names of persons who do not hold a license as a funeral director or embalmer and represent them to be so licensed.

"(d) Whenever a licensee, apprentice, or any other person, whether employee, agent or representative, or one in any manner associated with a funeral establishment shall solicit business or offer any inducement, pecuniary or otherwise, for the purpose of securing or attempting to secure business for such funeral establishment, unless such solicitation is made pursuant to a permit issued under the provisions of Article 548b, Texas Vernon's Civil Statutes, or Senate Bill 129, Acts of the 58th Legislature, Regular Session, 1963.

"(e) Failure by the Funeral Director in Charge to provide licensed personnel for attendance, direction, or personal supervision for a 'first call' as that term is defined in this Act. Provided, however, with respect to alleged violations of Subsections D-1 (b), (c), (d), and (e) the Board may not initiate formal complaint or other action against a funeral establishment or in regard to the license of a funeral establishment when the ground or grounds of complaint are based on the conduct of employees, agents or representatives of such establishment performed outside the scope and authority of their employment or contrary to the instructions of the funeral establishment and its management.

"2. As to asserted violations of provisions of this Section, the Board shall have the following powers, rights and duties:

"(a) The Board may, in any case, require a sworn statement setting forth matter complained of as a condition to taking further action.

"(b) The Board shall cause an investigation to be made whenever a complaint is filed with or by the Board. In any investigation or hearing by the Board, it may require the attendance of witnesses by issuing notices to witnesses and ordering them to appear and testify. The Board may require testimony to be given under oath or affirmation. Such notice to a witness shall be issued at the request of the Board or the accused licensee or the organization whose application for license has been denied. Such notice must be in writing and signed by presiding member of the Board, and shall notify the witness of the time and place to appear. Notice to a witness shall be served on him personally or by mailing same to him by registered mail, return receipt requested. Proof of such may be made by certificate of the person making the same, with return receipt attached when made by registered mail.

If any witness fails or refuses to appear before the Board, such witness shall be compelled by a Judge of any District Court to appear and testify at a hearing before such Judge in the same manner as witnesses may be compelled to appear and testify in a civil suit in a District Court. Application for such hearing may be filed by any party to such proceedings in

any District Court of the County in which such witness resides or may be found. The judge shall fix by order a time and place for such hearing and shall provide for such notice to the Board and the accused or the applicant for a license or certificate which has been denied as he determines proper. If such witness fails to appear or testify, he shall be punished as in case of contempt.

"(c) As to the licenses of funeral establishments, except when the accused admits a violation and agrees in writing to a judgment of the Board suspending or revoking the license in question or placing the accused on probation, the Board shall have no power or authority to suspend or revoke the license of the accused. However, the Board shall have the right to initiate a civil action in a District Court in the county in which the accused resides for the purpose of seeking a revocation or suspension of such license or probationary action all as hereinafter provided.

If the Board shall be of the opinion that the license of the accused should be revoked or suspended for a period not to exceed three years, and if the accused will accept a decision of the Board to such effect, it shall prepare a formal judgment and submit the same to him; and upon his agreement to its entry, evidenced by memorandum in writing signed and acknowledged by him, the Board shall enter judgment accordingly and the same shall have the force and effect of a judgment of the District Court of the county of the residence of the accused. A copy of the judgment, together with a copy of the complaint, shall be mailed to the clerk of the District Court of the county of residence of the accused for entry in the minutes of the court.

"(d) The term 'Accusation' or 'Complaint' shall embrace all complaints brought before the Board. By the terms 'civil suit,' 'court action' or 'formal complaint' is meant the pleading by which disciplinary action is instituted by the Board in a District Court of this state.

The Texas rules of civil procedure shall govern the procedure in all proceedings under Civil Actions (Formal Complaint).

The District Attorney or the County Attorney of the county of residence

of the accused licensee as defendant, or the Attorney General or such counsel as the Board may designate shall represent the Board as it shall determine.

The formal complaint shall be the pleading by which the proceeding is instituted. The formal complaint shall be filed in the name of the Texas State Board of Morticians as plaintiff against the accused licensee as defendant and shall set forth the violation with which the defendant is charged. The prayer may be that the defendant "be placed on probation or his (its) license suspended or revoked as the facts shall warrant."

The answer of the defendant to the formal complaint shall either admit or deny each allegation of the petition, except where the defendant is unable to admit or deny the allegation, in which case defendant shall set forth the reasons he (it) cannot admit or deny.

Proceedings under formal complaint shall be entitled to preferred setting at the request of either party.

If the court shall find from the evidence in a case tried without a jury, or from the verdict of the jury, if there be one, that the defendant is guilty of no violation, he shall enter judgment so declaring and dismiss the complaint; but if he shall find the defendant guilty, he shall determine whether the party shall be (a) placed under probation (in which case he shall specify the terms thereof), (b) the license suspended (in which case he shall fix the term of suspension), or (c) the license revoked; and he shall enter judgment accordingly. If the judgment be one finding the defendant guilty as aforesaid, it shall direct transmittal of certified copies of the judgment and complaint to the Secretary of the Board of Morticians; and the latter shall make proper notation on the membership rolls.

At any time after the expiration of one year from the date of final judgment or revocation of a license, such party may petition the District Court of the county of his residence for reinstatement. Notice of such action shall be given to the Secretary of the State Board of Morticians.

The Board shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Section. Said action

for an injunction shall be in addition to any other action, proceeding, or remedy recognized by law. The Board shall be represented by counsel designated by it, or, by the Attorney General and/or County and District Attorney of this state.

"E. Each funeral establishment shall designate to the Board a funeral director in charge, and such funeral director in charge shall be directly responsible for the funeral directing and embalming business of the licensee. Any change or changes in such designation shall be given to the Board promptly.

"F. The Board may issue such rules and regulations as shall comply with and shall effect the intent of the provisions of this Section.

"G. Any premises on which funeral directing or embalming is practiced shall be open at all times to inspection by any agent of the Board or by any duly authorized agent of the state or of the municipality in which the premises are located. Each licensed funeral establishment shall be thoroughly inspected at least once each year by an agent of the Board or by an agent of the state or a political subdivision thereof whom the Board has authorized to make inspections on its behalf. A report of this annual inspection shall be filed with the Board.

"Section 5. RULES AND REGULATIONS.

"A. The Board is authorized to promulgate such rules and regulations as it may deem advisable governing the granting, suspension and revocation of licenses as prescribed by the provisions of this Act.

"B. Whenever it is provided in this Act that the Board may or shall issue any rules and regulations, such rules and regulations thereunder proposed shall be effective only after due notice and hearing.

"Section 6. REVOCATION, CANCELLATION OR SUSPENSION OF LICENSES OF FUNERAL DIRECTORS, EMBALMERS AND APPRENTICES.

The State Board of Morticians shall have the right to cancel, revoke, or suspend or place on probation the license of any individual person licensed under this Act as provided by subparagraph H of Section 3 above.

Proceedings under this Section shall be initiated by filing charges with the

State Board of Morticians in writing and under oath. Said charges may be made by any person or persons. The President of the State Board of Morticians shall set a time and place for hearing, shall cause a copy of the charges, together with a notice of the time and place fixed for hearing to be served on the respondent or his counsel at least ten (10) days prior thereto. When personal service is impossible, or cannot be effected, the Board shall cause to be published once a week for two (2) successive weeks a notice of the hearing in a newspaper published in the county wherein the respondent was last known to reside and shall mail a copy of the charges and of such notice to the respondent at his last known address. When publication of the notice is necessary, the date of hearing shall not be less than ten (10) days after the date of the last publication of the notice. At said hearing the respondent shall have the right to appear either personally or by counsel, or both, to produce witnesses or evidence on his behalf, to cross-examine witnesses, and to have subpoenas issued by the Board. The Board shall thereupon determine the charges upon their merits. All charges, complaints, notices, orders, records and publications authorized or required by the terms of this Act shall be privileged.

"Any licensed funeral director and/or embalmer whose license has been revoked, suspended or renewal refused, or a person to whom the Board has refused to issue a license under this Act, shall have the right of appeal from any such decision of the Board to any District Court in the county in which he resides within twenty (20) days from and after the date the said Board announces its final decision. In a suit brought to review orders, decisions, or other acts of the Board, the trial shall be 'de novo' as that term is used and understood in an appeal from a Justice of Peace Court to the County Court. The rights of the parties thereto shall be determined by the Court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative or executive action or decision. Under no cir-

cumstances shall the substantial evidence rule as interpreted and applied by the courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this section. Upon application, the Board may reissue a license to practice as a funeral director or embalmer to a person whose license has been cancelled or suspended, but such application, in the case of cancellation or revocation, shall not be made prior to one (1) year after the cancellation or revocation, and shall be made in such a manner and form as the Board may require.

"The State Board shall have the power to appoint committees from the membership. The duties of any committees appointed from the State Board of Morticians' membership may consider such matters pertaining to the enforcement of this Act as shall be referred to such committees, and they shall make recommendations to the State Board of Morticians with respect thereto. The State Board of Morticians shall have the power, and may delegate the said power to any committee, to issue subpoenas, and subpoenas duces tecum, and to compel the attendance of witnesses, the production of books, records and documents, to administer oaths, and to take testimony concerning all matters within its jurisdiction.

The State Board of Morticians shall not be bound by such rules of evidence or procedure, in the conduct of its proceedings, but the determination shall be founded on sufficient legal evidence to sustain it. The State Board of Morticians shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Act. Said action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law. The State Board of Morticians shall be represented by the Attorney General and/or the County or District Attorneys of this state, or counsel designated and empowered by the Board. Before entering any order cancelling, suspending, refusing to renew, or revoking a license to practice as a funeral director and/or embalmer, the Board shall hold a hearing in accordance with the procedure as set forth in this Act.

"The provisions of this Section shall not apply to funeral establishments

or licenses pertaining to funeral establishments.

"Section 6.A. ACTING WITHOUT LICENSE.

"Any person posing as a funeral director, embalmer, or apprentice, holding himself out to the public as a funeral director, embalmer, or apprentice as those terms are defined in this Act, without being properly licensed under this Act shall be guilty of a violation of this Act, and on complaint of the Board may be prosecuted and punished under the provisions of Section 7.

"Section 6.B. CERTIFICATE FOR FOREIGN STUDENTS.

"Any citizen of a country other than the United States who has completed a full course of mortuary science at a Board approved college in Texas, may upon application to the State Board, and after payment of the same examination fee required of others, be given the Board examinations in either embalming, funeral directing or both, and, upon successfully making the minimum grades required of other applicants, may be awarded a 'Certificate of Merit' by the Board. Such certificate shall in no manner authorize a holder thereof to practice embalming and/or funeral directing in this state unless the holder is otherwise licensed as an embalmer and/or funeral director under the provisions of this Act.

"Section 7. PENALTY.

"Any person who practices as a funeral director, embalmer or apprentice in violation of any provisions of this Act shall be fined not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) or shall be imprisoned in the county jail for not more than thirty (30) days, or both. Each day of such practice shall constitute a separate offense.

"Section 8. EXEMPTION.

"Nothing herein shall be construed as requiring that funeral establishments be owned by licensed persons."

Section 2. Severability. Every provision of this Act, every Section and every part of every Section, is hereby declared to be independent and severable insofar as this relation shall be necessary to the validity of this Act. Should any provisions of this Act be held to be invalid by a court of competent jurisdiction, for any reason, such holding shall not affect the valid-

ity of any remaining provision of this Act, it being the legislative intent that the Act shall stand, notwithstanding the invalidity of any such provision or Section; the fact that any provision, Section, or part of any section, is void or invalid shall not be held to invalidate any other provision hereof.

Section 3. Conflicts. All laws and parts of laws in conflict herewith are repealed to the extent of such conflict only.

Section 4. Emergency Provision. The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 749 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 749 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Committee Substitute
House Bill 1001 on Second Reading**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 1001, A bill to be entitled "An Act relating to the Texas Private Employment Agency Regulatory Board; amending Subsection (d) and (e), Section 3, Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time and passed to third reading.

**Committee Substitute
House Bill 1001 on Third Reading**

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 1001 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

**Senate Bill 233 With
House Amendments**

Senator Christie called S. B. No. 233 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Strike Section 4(c)(2) of Section 4 and substitute in lieu thereof the following:

"(2) For purposes of this Section an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding twelve months exceeds the greater of (i) 10 percent (20 percent if such insurer is a title insurer) of such insurer's surplus as regards policyholders as of the 31st day of December next preceding, or (ii) the net gain from operations of such insurer, if such insurer is a life or title insurer, or the net investment income, if such insurer is not a life or title insurer, for the twelve-month period ending the 31st day of December next preceding, but shall not include pro-rata distribution of any class of the insurer's own securities."

Committee Amendment No. 2

Amend Senate Bill 233, Second Printing, page 12, by striking that part of Section 11 after the period on line 31 and substituting in lieu thereof the following:

"Respecting any other provisions of this article, the board shall not have any power or authority to change the meaning of any provision of this article by rule or regulation or to promulgate any rule or regulation which is in any way contrary to the underlying and fundamental purposes of this article."

Committee Amendment No. 3

Amend Senate Bill 233 by adding to the end of Section 8 of Article 21.49, set forth in Section 1 of the Bill, the following:

"Provided, however, this Section shall not limit or prohibit such holding company or person within the holding company system from doing any type of business that would be normal and natural to such person if it were not within the holding company system so long as such business is conducted on behalf of such person."

Amendment No. 1

Amend Senate Bill 233, as amended, by adding at the end of added paragraph (n), Section 2, and after substituting a comma for the period at the end of such section, the following:

"and the Commissioner has found that it is not necessary that such holding company system be regulated under this Article or certain provisions of this Article and has issued a total or partial exemption certificate to such holding company which shall effect the exemption until revoked by the Commissioner."

The House amendments were read.

Senator Christie moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Hall
Bates	Harrington
Beckworth	Harris
Bernal	Herring
Blanchard	Hightower
Bridges	Jordan
Brooks	Kennard
Christie	Kothmann
Connally	Mauzy
Creighton	McKool
Grover	Moore

Patman	Wallace
Ratliff	Watson
Schwartz	Wilson
Sherman	Word
Snelson	

Reports of Standing Committees

By unanimous consent, Senator Wilson submitted the following report for the Committee on Constitutional Amendments:

H. J. R. No. 50.

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

S. B. No. 1023.

H. B. No. 1235.

By unanimous consent, Senator Brooks submitted the following report for the Committee on State Departments and Institutions:

H. B. No. 1684 (Floor report).

House Bill 1830 Ordered Not Printed

On motion of Senator Watson and by unanimous consent, H. B. No. 1830 was ordered not printed.

House Bill 1250 Ordered Not Printed

On motion of Senator Hall and by unanimous consent, H. B. No. 1250 was ordered not printed.

House Bill 1251 Ordered Not Printed

On motion of Senator Hall and by unanimous consent, H. B. No. 1251 was ordered not printed.

House Bill 132 Ordered Not Printed

On motion of Senator Hall and by unanimous consent, H. B. No. 132 was ordered not printed.

House Bill 1684 Ordered
Not Printed

On motion of Senator Blanchard and by unanimous consent, H. B. No. 1684 was ordered not printed.

House Bill 1830 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1830, A bill to be entitled "An Act relating to and regulating relationships, direct and indirect, of officers, directors and certain shareholders of insurance companies, etc., and declaring an emergency."

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Amend Section 1 of H. B. 1830 by adding a new paragraph to Subsection (c) of Sec. 1. of Article 1.29 as follows:

"(5) (A) Any transactions within an insurance holding company system by insurers with their holding companies, subsidiaries or affiliates that are not prohibited by law, that meet the test of being fair and proper, and that are regulated by other statutes; and (B) other transactions or arrangements not prohibited by law that meet the test of being fair and proper as prescribed by rules and regulations adopted by the State Board of Insurance."

The amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Senate Bill 1020 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

S. B. No. 1020, A bill to be entitled "An Act relating to the creation, administration, powers and duties, and financing of the Walker County Hospital District of Walker County, Texas; and declaring an emergency."

To Committee on County, District and Urban Affairs.

Report of Standing Committee

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

S. B. No. 1020.

Senate Bill 1020 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, S. B. No. 1020 was ordered not printed.

House Bill 1684 on Second Reading

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1684, A bill to be entitled "An Act amending Article 4413d-1, Vernon's Annotated Civil Statutes providing for a separate Office of State-Federal Relations; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1684 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1684 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word

Nay—1

Mauzy

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—31

Aikin	Bridges
Bates	Brooks
Beckworth	Christie
Bernal	Connally
Blanchard	Creighton

Grover	Moore
Hall	Patman
Harrington	Ratliff
Harris	Schwartz
Herring	Sherman
Hightower	Snelson
Jordan	Wallace
Kennard	Watson
Kothmann	Wilson
Mauzy	Word
McKool	

House Bill 144 on Second Reading

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 144, A bill to be entitled "An Act amending Chapter 186, Acts of the 60th Legislature, Regular Session, 1967, relating to the Texas National Guard Armory Board and codified as 'Title 97A, National Guard Armory Board,' by therein amending Article 5931-1, relating to the composition of the National Guard Armory Board; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 144 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 144 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

House Concurrent Resolution 61 on Second Reading

On motion of Senator Jordan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 61, Establishing policies for guidelines for state agencies and institutions relating to urban and rural problems.

The resolution was read.

Senator Jordan offered the following Committee Amendment to the resolution:

Amend H. C. R. 61 by changing the date January 1, 1972, to January 1, 1973.

The Committee Amendment was read and was adopted.

The resolution as amended was then adopted.

Record of Votes

Senators Ratliff, Aikin and Grover asked to be recorded as voting "Nay" on the adoption of the resolution.

House Concurrent Resolution 67 on Second Reading

Senator Jordan asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 67 for consideration at this time.

There was objection.

Senator Jordan then moved to suspend the regular order of business and take up H. C. R. No. 67 for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Nays—1

Grover

The President Pro Tempore laid before the Senate the following resolution:

H. C. R. No. 67, Relating to investment by the Texas Pension and Retirement Systems.

The resolution was read and was adopted.

Record of Vote

Senator Grover asked to be recorded as voting "Nay" on the adoption of the resolution.

House Bill 1235 Ordered Not Printed

On motion of Senator Bates and by unanimous consent, H. B. No. 1235 was ordered not printed.

House Bill 1235 on Second Reading

Senator Bates moved that Senate Rules 13, 30 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 1235 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Nays—1

Grover

The President Pro Tempore then laid before the Senate an its second reading and passage to third reading the following bill:

"H. B. No. 1235, A bill to be entitled An Act relating to certain exemptions from the sales tax; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

Record of Vote

Senator Grover asked to be recorded as voting "Nay" on the passage of the bill to third reading.

Senate Concurrent Resolution 103

Senator Watson offered the following resolution:

S. C. R. No. 103, Providing for the creation of an Interim Committee to study legislation for the prevention of life insurance company insolvencies.

The resolution was read and was referred to the Committee on Administration.

Conference Committee Report on Senate Bill 379

Senator Jordan submitted the following Conference Committee Report:

Austin, Texas,
May 17, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus Mutscher, Speaker of the House of Representatives.

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 379 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

JORDAN
WALLACE
BROOKS
KENNARD
SCHWARTZ

On the part of the Senate.

CRUZ
WILLIAMS
NELMS
SWANSON
OGG

On the part of the House.

S. B. No. 379,

**A BILL
TO BE ENTITLED**

An Act providing for compensation to Judges of the Probate Courts, Judges of the County Courts at Law, Judges of the County Criminal Courts at Law, and the County Judge in certain counties, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. In all counties of this State having a population of not less than one million, five hundred thousand (1,500,000) inhabitants, according to the last preceding Federal census, the Commissioners Court shall fix the salary of each of the Judges of the Probate Courts, Judges of the County Courts at Law, and Judges of the County Criminal Courts at Law at not less than One Thousand Dollars (\$1,000) less per annum than the total annual salary received by Judges of the District Courts in such counties, which shall be paid in twelve (12) equally monthly installments.

Sec. 2. In all counties of this State having a population of not less than one million, five hundred thousand (1,500,000) inhabitants, according to the last preceding Federal census, the Commissioners Court shall fix the salary of the County Judge at not less than One Thousand Dollars (\$1,000) more per annum than the total annual salary received by Judges of the Pro-

bate Courts, Judges of the County Courts at Law, and Judges of the County Criminal Courts at Law in such counties, which shall be paid in twelve (12) equal monthly installments.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Nays—1

Grover

Report of Standing Committee

By unanimous consent, Senator Hightower submitted the following report for the Committee on Youth Affairs:

H. B. No. 466 (Floor report).

House Bill 1323 on Second Reading

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1323, A bill to be entitled "An Act relating to transfer of the Kimble County Adjunct of Texas A&M University to Texas Tech University; and declaring an emergency."

The bill was read second time.

Senator Word offered the following amendment to the bill:

Amend H. B. 1323 by changing the period to a comma on line 10, Section 1 and adding the following:

"provided however that Texas A&M University shall have the right and duty to complete its current pecan research on the property being transferred."

AIKIN
WORD

The amendment was read and was adopted.

On motion of Senator Word and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 1323 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1323 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Senate Bill 1024 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Creighton:

S. B. No. 1024, A bill to be entitled "An Act relating to the creation of the constitutional office of Criminal District Attorney of Eastland County and abolishing the office of county attorney of that county; providing for the hiring of assistants, an investigator, and a stenographer; providing for severability; and declaring an emergency."

To Committee on County, District and Urban Affairs.

Reports of Standing Committees

By unanimous consent, Senator Herring submitted the following report for the Committee on Jurisprudence:

H. B. No. 858 (Floor report).

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

S. B. No. 1024 (Floor report).

Senate Bill 697 with House Amendments

Senator Christie called S. B. No. 697 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. No. 697 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Subsection (e) of Section 3 of Acts 1961, 57th Legislature, First Called Session, Chapter 32, as amended by Section 2 of Acts 1969, 61st Legislature, Regular Session, Chapter 718, is hereby amended to read as follows:

"(e) Each Director shall receive a fee not to exceed Twenty-Five (\$25.00) Dollars for attending each meeting of the Board, however, that in no case shall a Director receive more than Fifty (\$50.00) Dollars for attending Board meetings during any month. Each Director shall also be entitled to receive not to exceed Twenty-Five (\$25.00) Dollars per day devoted to the business of the Authority and to reimbursement for actual expenses incurred in attending to Authority business provided that such service and expense are expressly approved by the Board."

Section 2. That Subsection (a) of Section 6 of Acts 1961, 57th Legislature, First Called Session, Chapter 32, is hereby amended to read as follows:

"(a) For the purpose of carrying out any power or authority conferred by this Act, the Authority shall have the following rights:

"(i) to acquire and hold, by purchase, lease or otherwise, but not by condemnation, surface or underground water rights within or without the Authority;

"(ii) to acquire and hold, by purchase, lease, condemnation, or otherwise, land, improvements, easements for sewer facilities, water pipelines or conveyors of water, and other facilities within the Authority;

"(iii) to acquire and hold, by purchase, lease, condemnation, or otherwise easements for sewer facilities, water pipelines or conveyors of water without the Authority. The right of condemnation shall be exercised in the same manner as is provided by law for counties. The amount and character of interest to be acquired in property shall be determined by the Board of Directors. The Authority shall have the same power as is conferred upon water control and improvement districts by Section 49, Chapter 25, Acts of the 39th Legisla-

ture with reference to making surveys and attending to other business by the Authority."

Section 3. Acts 1961, 57th Legislature, First Called Session, Chapter 32, is hereby amended to add a new Section 17:

"Section 17. Land may be added to or annexed to the Authority in the manner now provided by Chapter 3A, Title 128, Vernon's Texas Civil Statutes, as amended; provided, however, that the Board of Directors may require the petitioners, if land is being added in the manner provided by Article 7880—75, Vernon's Texas Civil Statutes, to allow the land to be added to assume its pro rata share of taxes necessary to support the voted but unissued tax or tax-revenue bonds of the Authority and authorized the Board to levy a tax on their property in payment for such unissued bonds, when issued, or if land is being annexed in the manner provided by Article 7880-75b, Vernon's Texas Civil Statutes, the Board may also submit a proposition to the property taxpaying voters of the area to be annexed on the question of the assumption by the area to be annexed of its pro rata share of the tax or tax-revenue bonds of the Authority theretofore voted but not yet issued or sold and the levy of an ad valorem tax on taxable property within the area to be annexed along with the tax in the rest of the Authority for the payment thereof. If the petitioners consent or if the election results favorably, the Authority shall be authorized to issue its voted but unissued tax or tax-revenue bonds even though the boundaries of the Authority have been changed since the voting or authorization of such bonds. Provided, however, that if land is added by petition in the manner provided by Article 7880—75, Vernon's Texas Civil Statutes, the land to be added may be described by reference to recorded surveys as well as by metes and bounds in said petition."

Section 4. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 5. Proof of publication of the constitutional notice required in the enactment hereof under the provisions of Paragraph (d) of Section

59 of Article XVI of the Texas Constitution has been made in the manner provided therein and a copy of said notice and the bill as originally introduced has been delivered to the Governor of the State of Texas as required in such constitutional provision and such notice and delivery are hereby found and declared to be proper and sufficient to satisfy such requirements.

Section 6. The fact that additional services of water are immediately and urgently needed in El Paso County Water Authority creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that said rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 1

Amend S. B. No. 697 by striking all above the enacting clause and substituting in lieu thereof the following:

A BILL TO BE ENTITLED

"An Act amending Acts 1961, 57th Legislature, First Called Session, Chapter 32, as amended by Acts 1969, 61st Legislature, Regular Session, Chapter 718; providing an increase in the remuneration to be paid to the directors of the Authority; modifying the powers of the Authority; providing for addition or annexation of land; providing for severability; making a finding relative to publication; and declaring an emergency."

The House amendments were read.

Senator Christie moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Creighton
Bates	Grover
Beckworth	Hall
Bernal	Harrington
Blanchard	Harris
Bridges	Herring
Brooks	Hightower
Christie	Jordan
Connally	Kennard

Kothmann	Sherman
Mauzy	Snelson
McKool	Wallace
Moore	Watson
Patman	Wilson
Ratliff	Word
Schwartz	

Senate Joint Resolutions on First Reading

Senator Bernal moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit the introduction at this time, the following resolutions, the provisions of which were explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The following resolutions were then introduced, read first time and referred to the Committee indicated:

By Senator Bernal:

S. J. R. No. 57, Proposing an amendment to Article III, Section 51-a, of the Texas Constitution; to authorize the Legislature to appropriate necessary funds for assistance grants for the needy aged, the needy disabled, the needy blind, and for needy dependent children and the caretakers of such children.

To Committee on Constitutional Amendments.

By Senator Mauzy:

S. J. R. No. 58, Proposing an amendment to the Constitution of the State of Texas, amending Section 51-a of Article III; providing that the Legislature shall enact appropriate legislation which will enable the

State of Texas to cooperate with the government of the United States in providing assistance grants out of state funds to and/or medical care on behalf of needy aged persons, needy persons who are totally and permanently disabled, needy blind persons, and needy dependent children and the caretakers of such children; providing rehabilitation and any other services included in the federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care; authorizing the Legislature to prescribe eligibility requirements; providing for the acceptance and expenditure of funds from the government of the United States for such purposes; authorizing appropriations for such purposes out of state funds; providing that the maximum amount paid out of state funds to any individual recipient shall not exceed the amount that is matchable out of federal funds; providing that the total amount of such payments for assistance and/or medical care out of state funds on behalf of such needy individuals shall not exceed the amount that is matchable out of federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes as they now are or as they may be amended, to the extent that federal matching money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons.

To Committee on Constitutional Amendments.

Senate Bill 1024 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent, S. B. No. 1024 was ordered not printed.

Reports of Standing Committees

By unanimous consent, Senator Jordan submitted the following reports for the Committee on Labor and Management Relations:

S. B. No. 289 (Amended).

H. B. No. 591.

S. B. No. 1010.

By unanimous consent, Senator Creighton submitted the following report for the Committee on Water and Conservation:

H. B. No. 977.

House Bill 139 on Second Reading

On motion of Senator Bernal and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 139, A bill to be entitled "An Act authorizing the Texas Department of Mental Health and Mental Retardation to establish a treatment program using synthetic narcotic drugs for drug-dependent persons; and declaring an emergency."

The bill was read second time.

Senator Bernal offered the following amendment to the bill:

Amend H. B. No. 139 on page 1 by striking out Sections (6), (7), and (10) under Section 2 (a) and substituting the following:

"(6) One social worker with particular experience in the treatment of narcotics addiction shall be appointed by the Commissioner of Mental Health and Mental Retardation.

(7) The Commissioner of Health shall appoint one officer or employee of his department.

(10) The Commissioner of Mental Health and Mental Retardation shall serve as a permanent member of this advisory committee in the capacity of chairman."

The amendment was read and was adopted.

Senator Bernal offered the following amendment to the bill:

Amend H. B. No. 139, page 2, line 4 by adding between the words "meet" and "at" the following phrase:

"at least twice a year or"

The amendment was read and was adopted.

On motion of Senator Bernal and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to third reading.

House Bill 139 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 139 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Message From the House

Hall of the House of Representatives

Austin, Texas,
May 19, 1971

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. 99, To correct Senate Bill No. 859.

H. B. No. 928, A bill to be entitled "An Act relating to the taxation of the sale, preparation, and service of certain alcoholic beverages and providing penalties; amending Section 21, Article I, Texas Liquor Control Act, as amended; adding a Section 20d to Article I, Texas Liquor Control Act, as amended; amending Section (d), Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; repealing Subsection 6b, Section 15(e), Article I, Texas Liquor Control Act (Article 666-15(e), Vernon's Texas Penal Code); and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 977 Ordered Not Printed

On motion of Senator Kothmann and by unanimous consent, H. B. No. 977 was ordered not printed.

House Bill 212 on Second Reading

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 212, A bill to be entitled "An Act requiring a license for taking oysters with oyster dredge; etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 212 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 212 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

House Bill 977 on Second Reading

On motion of Senator Kothmann and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 977, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Concord Public Utility District'; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 977 on Third Reading

Senator Kothmann moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 977 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

House Bill 384 on Second Reading

Senator Hall moved to suspend the regular order of business and take up H. B. No. 384 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Jordan
Bates	Kothmann
Beckworth	Mauzy
Bernal	Patman
Blanchard	Ratliff
Bridges	Schwartz
Brooks	Sherman
Christie	Snelson
Connally	Wallace
Creighton	Watson
Hall	Wilson
Harrington	Word
Hightower	

Nays—6

Grover	Kennard
Harris	McKool
Herring	Moore

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 384, A bill to be entitled "An Act relating to the authority and responsibility of the commissioners court of each county in the state to fix the compensation and allowances for all officials and employees paid wholly from county funds; providing an effective date; repealing all laws or parts of laws relating to compensation and allowances for officials and employees paid wholly from county funds; and declaring an emergency."

The bill was read second time.

Senator Hall offered the following Committee Amendment to the bill:

Amend H. B. No. 384 by striking Section 2 and substituting the following:

Sec. 2. Elected Officers: Restrictions. (a) The salaries, expenses and other allowances of elected county and precinct officers shall be set each year during the regular budget hearing and adoption proceedings on giving notice as provided by this Act.

(b) There is hereby created in each county a salary grievance committee composed of:

(1) the county judge, who shall be chairman of the committee but who shall not be entitled to vote;

(2) the sheriff, the county tax as-

essor-collector, the county treasurer, the county clerk, the district clerk, and the county attorney or criminal district attorney; and

(3) three residents of the county selected as provided by Subsection (c) of this section; or if one person holds more than one of the offices described in Subdivision (2) of this subsection or if one or more of those offices is not filled in the county, a number sufficient to establish the total voting membership of the committee at nine members.

(c) The public members of the committee shall be selected at the meeting of the commissioners court held on the second Monday in January of each year. Before that meeting, the clerk of the commissioners court shall prepare slips with a name on each slip corresponding to the name of all persons who served on grand juries in the county during the preceding calendar year. At the meeting, the slips shall be folded, placed in an appropriate receptacle, mixed, and drawn at random by the county judge until he has drawn a number equal to the number of public members required to constitute the committee. The county judge shall then announce the names on the slips drawn, and those persons shall be deemed appointed to the committee on acceptance submitted in writing to the clerk. If any person refuses or is unable to serve, a replacement shall be selected at the next regular or called meeting of the commissioners court by random selection of a slip from the remaining slips containing the names of grand jurors for the preceding year, with the process repeated as necessary to constitute the required membership of the committee. The public members of the committee shall serve for the year ending with the appointment of their successors the following January. A vacancy in the public membership of the committee shall be filled for the unexpired portion of the term by random selection of a slip from the remaining slips at a meeting of the commissioners court.

(d) Any elected county or precinct officer who is aggrieved by the setting of his salary, expenses, or other allowance by the commissioners court may request a hearing before the committee. The request shall be in writing, shall state the manner in which he is aggrieved, and shall

be delivered to the chairman of the committee. The chairman shall announce the time and place of the hearing, which shall be within 30 days after receipt of the request. If, after a hearing, the committee by a vote of six of its voting members decides to recommend a change in the salary, expenses, or other allowance of the person requesting the hearing, it shall prepare its recommendation in writing and deliver it to the commissioners court, which shall consider the recommendation at its next meeting. A written recommendation signed by all nine members and delivered to the commissioners court becomes effective without the action of the commissioners court on the first day of the month following its delivery to the commissioners court.

The Committee Amendment was read and was adopted.

Senator Jordan offered the following amendment to the bill:

Amend House Bill 384, Section 7, line 28 by striking the words "excepting only" and inserting therefor the words "including."

The amendment was read and was adopted.

Senator Hall offered the following amendment to the bill:

Amend House Bill 384, Section 1, line 11, by striking the period at the end of that sentence and inserting a comma to be followed by "but in no event shall such salaries be set lower than they exist at the effective date of this Act."

The amendment was read and was adopted.

On motion of Senator Hall and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 384 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 384 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Jordan
Bates	Kothmann
Beckworth	Mauzy
Bernal	Patman
Blanchard	Ratliff
Bridges	Schwartz
Brooks	Sherman
Christie	Snelson
Connally	Wallace
Creighton	Watson
Hall	Wilson
Harrington	Word
Hightower	

Nays—6

Grover	Kennard
Harris	McKool
Herring	Moore

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators McKool, Grover, Kennard, Harris, Watson, Word, Kothmann and Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

Vote on Passage to Third Reading of House Bill 1235 Reconsidered

On motion of Senator Bates and by unanimous consent, the vote by which H. B. No. 1235 was passed to third reading was reconsidered.

Question—Shall H. B. No. 1235 be passed to third reading?

Senator Bridges offered the following amendment to the bill:

Amend H. B. No. 1235 by adding the following language between the words "fishing vessels" and the words "or barges" the words "vessels used commercially as vessels for pleasure fishing by individuals as paying passengers thereon,"

The amendment was read and was adopted.

On motion of Senator Bates, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was again passed to third reading.

House Bill 1235 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President Pro Tempore laid H. B. No. 1235 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word

Present—Not Voting

Schwartz

Resolutions Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 98.

S. C. R. No. 100.

Reports of Standing Committees

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs.

H. B. No. 1435 (Floor report).

By unanimous consent, Senator Creighton submitted the following report for the Committee on Water and Conservation:

H. B. No. 1630.

House Bill 1435 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1435 was ordered not printed.

House Bill 1630 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent, H. B. No. 1630 was ordered not printed.

Senate Bill 1023 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent, S. B. No. 1023 was ordered not printed.

House Bill 1435 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1435, A bill to be entitled "An Act relating to the use of county employees and equipment to construct, maintain, or improve private roads in certain counties; and declaring an emergency."

The bill was read second time and passed to third reading.

Record of Votes

Senators Sherman, Harris and Grover asked to be recorded as voting "Nay" on the passage of the bill to third reading.

House Bill 1435 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1435 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Christie	Patman
Connally	Ratliff
Creighton	Schwartz
Hall	Sherman
Harrington	Wallace
Herring	Watson
Hightower	Word

Nays—5

Bernal	Snelson
Grover	Wilson
Harris	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Sherman, Watson, Snelson, Harris, Grover and Bernal asked to be recorded as voting "Nay" on the final passage of the bill.

House Bill 357 on Second Reading

Senator Kennard asked unanimous consent to suspend the regular order of business and take up H. B. No. 357 for consideration at this time.

There was objection.

Senator Kennard then moved to suspend the regular order of business and take up H. B. No. 357 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Herring
Beckworth	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Creighton	Ratliff
Grover	Schwartz
Hall	Wallace
Harrington	Watson
Harris	Wilson

Nays—5

Bates	Snelson
Patman	Word
Sherman	

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 357, A bill to be entitled "An Act repealing Article 191, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time.

Senator Snelson offered the following amendment to the bill:

Amend H. B. No. 357, Add to section 1 the following "this act does not apply to Schleicher County."

The amendment was read.

Senator Kennard moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Beckworth	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Kothmann
Brooks	Mauzy
Christie	McKool
Creighton	Moore
Grover	Ratliff
Hall	Wilson
Harrington	

Nays—12

Aikin	Schwartz
Bates	Sherman
Connally	Snelson
Harris	Wallace
Herring	Watson
Patman	Word

The bill was passed to third reading.

Record of Vote

Senator Snelson asked to be recorded as voting "Nay" on the passage of the bill to third reading.

House Bill 357 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 357 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Herring
Beckworth	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Creighton	Ratliff
Grover	Schwartz
Hall	Wallace
Harrington	Watson
Harris	Wilson

Nays—5

Bates	Snelson
Patman	Word
Sherman	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Snelson and Sherman asked to be recorded as voting "Nay" on the final passage of the bill.

Consideration of Committee Substitute House Bill 18 Postponed

On motion of Senator Schwartz and by unanimous consent, consideration of C. S. H. B. No. 18 was postponed until Thursday, May 20, 1971 at 11:00 o'clock a.m.

House Bill 999 on Third Reading

The President Pro Tempore laid before the Senate on its third reading and final passage:

H. B. No. 999, A bill to be entitled "An Act relating to the compensation and expenses of the district attorney of the 24th Judicial District; etc.; and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Reports of Standing Committees

By unanimous consent, Senator Herring submitted the following reports for the Committee on Jurisprudence:

H. B. No. 595 (Floor report).

C. S. H. B. No. 1203 (Read first time).

By unanimous consent, Senator Blanchard submitted the following report for the Committee on Insurance:

S. B. No. 660 (Amended) (Floor report).

By unanimous consent, Senator Jordan submitted the following report for the Committee on Labor and Management Relations:

C. S. S. B. No. 960 (Read first time).

House Bill 681 on Third Reading

The President Pro Tempore laid before the Senate on its third reading and final passage:

H. B. No. 681, A bill to be entitled "An Act amending Article II of the Texas Liquor Control Act, Acts 1935, 44th Legislature, 2nd Called Session, as amended (Article 667, Vernon's Texas Penal Code), by adding a new Section 23-A-1; providing for severability; and declaring an emergency."

The bill was read third time and was passed.

Record of Votes

Senators Moore, Hightower, Sherman, Word, Wilson, Aikin, Ratliff, Wallace, Blanchard and Creighton asked to be recorded as voting "Nay" on the final passage of the bill.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 928, To Committee on State Affairs.

Senate Resolution 1283

By unanimous consent, Senator Hightower offered the following resolution:

S. R. No. 1283, Amending Rules of the Senate relating to seniority.

The resolution was read and was referred to the Committee on Rules.

Senate Resolution 1284

By unanimous consent, Senator Hightower offered the following resolution:

S. R. No. 1284, Amending Rules of the Senate relating to Interim Committees and Interim Study proposals.

The resolution was read and was referred to the Committee on Rules.

Senate Resolution 1285

By unanimous consent, Senator Hightower offered the following resolution:

S. R. No. 1285, Directing the Senate Administration Committee to meet during the interim and study the Eagleton Report of Rutgers University and to report to the Senate of the 63rd Legislature a suggested reorganization plan for standing committees.

The resolution was read and was referred to the Committee on Rules.

Senate Resolution 1286

By unanimous consent, Senator Hightower offered the following resolution:

S. R. No. 1286, Authorizing certain Standing Committees of the Senate to meet during the interim of the 62nd Legislature.

The resolution was read and was referred to the Committee on Rules.

Senate Resolution 1290

By unanimous consent, Senator Mauzy offered the following resolution:

S. R. No. 1290, Providing for the creation of an Interim Committee to study the Teacher Retirement System of Texas.

The resolution was read and was referred to the Committee on Administration.

Senate Resolution 1291

By unanimous consent, Senator Mauzy offered the following resolution:

S. R. No. 1291, Providing for the creation of an Interim Committee to study automobile repair rates.

The resolution was read and was referred to the Committee on Administration.

Senate Resolution 1292

By unanimous consent, Senator Mauzy offered the following resolution:

S. R. No. 1292, Providing for the creation of an Interim Committee on the rising cost of health care.

The resolution was read and was referred to the Committee on Administration.

Senate Resolution 1295

By unanimous consent, Senator Harrington offered the following resolution:

S. R. No. 1295, Providing for the creation of an Interim Committee to study rising medical costs.

The resolution was read and was referred to the Committee on Administration.

Senate Resolution 1296

By unanimous consent, Senator Mauzy offered the following resolution:

S. R. No. 1296, Providing for the creation of an Interim Committee to be known as the State Personnel Study Committee.

The resolution was read and was referred to the Committee on Administration.

Executive Session

On motion of Senator Christie and by unanimous consent, the Senate agreed to hold an Executive Session at 12:14 o'clock p.m. today.

Accordingly, the President Pro Tempore directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nomination:

To be Associate Justice of the Court of Civil Appeals, 10th Supreme Judicial District: Judge John A. James, Jr., Cleburne, Johnson County.

In Legislative Session

The President called the Senate to order as In Legislative Session at 12:18 o'clock p.m.

Memorial Resolutions

S. R. No. 1293—By Senator Blanchard: Memorial resolution for Charlie C. Jones.

S. R. No. 1294—By Senator Blanchard: Memorial resolution for Mrs. Mary Frances Merworth Reid.

Welcome and Congratulatory Resolutions

S. R. No. 1280—By Senator McKool: Extending commendation to group of students from the City Park Elementary School of Dallas for their outstanding accomplishments.

S. R. No. 1281—By Senator McKool: Extending congratulations to a group of students from Mesquite High School for their excellent achievements.

S. R. No. 1282—By Senator McKool: Extending congratulations to a group of students from Lincoln High School of Dallas for their achievements.

S. R. No. 1287—By Senators Aikin and Word: Extending welcome to Bun Raley.

S. R. No. 1288—By Senators Kennard and Creighton: Extending commendation to the Chapel Choir of the Broadway Baptist Church of Fort Worth.

S. R. No. 1289—By Senator Harrington: Extending welcome to Mrs. Ray Duke, et al.

S. R. No. 1297—By Senator Watson: Extending welcome to Bun Raley.

S. R. No. 1298—By Senator Watson: Extending welcome to members of the Youth Environmental Service Club, University High School, Waco.

S. R. No. 1299—By Senator Watson: Extending welcome to Lynn Cannon, et al.

S. R. No. 1300—By Senator Watson: Extending welcome to members of the Environmental Concern Organization of Waco.

S. R. No. 1301—By Senator Watson: Extending welcome to Mrs. Myrtle Hickman, et al.

Recess

On motion of Senator Aikin the Senate at 12:20 o'clock p.m. took recess until 9:15 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

May 19, 1971

S. C. R. No. 98

S. C. R. No. 100

SEVENTY-SECOND DAY

(Continued)

(Thursday, May 20, 1971)

After Recess

The Senate met at 9:15 o'clock a.m., pursuant to adjournment, and was called to order by Senator Hall.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reports of Standing Committees

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 645.

H. B. No. 1117.